

Union Calendar No. 49

105TH CONGRESS  
1ST Session

**H. R. 449**

[Report No. 105-68]

**A BILL**

To provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

APRIL 23, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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**IN THE HOUSE OF REPRESENTATIVES**

JANUARY 20, 1997

Mr. ENSIGN introduced the following bill; which was referred to the Committee on Resources

APRIL 23, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 20, 1997]

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**A BILL**

To provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “Southern Nevada Public*  
3 *Land Management Act of 1997”.*

4 **SEC. 2. FINDINGS AND PURPOSE.**

5       (a) *FINDINGS.—The Congress finds the following:*

6           (1) *The Bureau of Land Management has exten-*  
7 *sive land ownership in small and large parcels inter-*  
8 *persed with or adjacent to private land in the Las*  
9 *Vegas Valley, Nevada, making many of these parcels*  
10 *difficult to manage and more appropriate for dis-*  
11 *posal.*

12           (2) *In order to promote responsible and orderly*  
13 *development in the Las Vegas Valley, certain of those*  
14 *Federal lands should be sold by the Federal Govern-*  
15 *ment based on recommendations made by local gov-*  
16 *ernment and the public.*

17           (3) *The Las Vegas metropolitan area is the fast-*  
18 *est growing urban area in the United States, which*  
19 *is causing significant impacts upon the Lake Mead*  
20 *National Recreation Area, the Red Rock Canyon Na-*  
21 *tional Conservation Area, and the Spring Mountains*  
22 *National Recreation Area, which surround the Las*  
23 *Vegas Valley.*

24       (b) *PURPOSE.—The purpose of this Act is to provide*  
25 *for the orderly disposal of certain Federal lands in Clark*

1 *County, Nevada, and to provide for the acquisition of envi-*  
 2 *ronmentally sensitive lands in the State of Nevada.*

3 **SEC. 3. DEFINITIONS.**

4 *As used in this Act:*

5 (1) *The term “Secretary” means the Secretary of*  
 6 *the Interior.*

7 (2) *The term “unit of local government” means*  
 8 *Clark County, the City of Las Vegas, the City of*  
 9 *North Las Vegas, or the City of Henderson; all in the*  
 10 *State of Nevada.*

11 (3) *The term “Agreement” means the agreement*  
 12 *entitled “The Interim Cooperative Management*  
 13 *Agreement Between the United States Department of*  
 14 *the Interior—Bureau of Land Management and Clark*  
 15 *County”, dated November 4, 1992.*

16 (4) *The term “special account” means the ac-*  
 17 *count in the Treasury of the United States established*  
 18 *under section 4(e)(1)(C).*

19 (5) *The term “Recreation and Public Purposes*  
 20 *Act” means the Act entitled “An Act to authorize ac-*  
 21 *quisition or use of public lands by States, counties, or*  
 22 *municipalities for recreational purposes”, approved*  
 23 *June 14, 1926 (43 U.S.C. 869 et seq.).*

24 (6) *The term “regional governmental entity”*  
 25 *means the Southern Nevada Water Authority, the Re-*

1        *gional Flood Control District, and the Clark County*  
 2        *Sanitation District.*

3    **SEC. 4. DISPOSAL AND EXCHANGE.**

4        (a) *DISPOSAL.*—Notwithstanding the land use plan-  
 5        *ning requirements contained in sections 202 and 203 of the*  
 6        *Federal Land Policy and Management Act of 1976 (43*  
 7        *U.S.C. 1711 and 1712), the Secretary, in accordance with*  
 8        *this Act, the Federal Land Policy and Management Act of*  
 9        *1976, and other applicable law, and subject to valid existing*  
 10       *rights, is authorized to dispose of lands within the boundary*  
 11       *of the area under the jurisdiction of the Director of the Bu-*  
 12       *reau of Land Management in Clark County, Nevada, as*  
 13       *generally depicted on the map entitled “Las Vegas Valley,*  
 14       *Nevada, Land Disposal Map”, dated June, 1996. Such map*  
 15       *shall be on file and available for public inspection in the*  
 16       *offices of the Director and the Las Vegas District of the Bu-*  
 17       *reau of Land Management.*

18       (b) *RESERVATION FOR LOCAL PUBLIC PURPOSES.*—

19                (1) *RECREATION AND PUBLIC PURPOSE ACT CON-*  
 20        *VEYANCES.*—Not less than 30 days before the offering  
 21        *of lands for sale or exchange pursuant to subsection*  
 22        *(a), the State of Nevada or the unit of local govern-*  
 23        *ment in whose jurisdiction the lands are located may*  
 24        *elect to obtain any such lands for local public pur-*  
 25        *poses pursuant to the provisions of the Recreation*

1       *and Public Purposes Act. Pursuant to any such elec-*  
2       *tion, the Secretary shall retain the elected lands for*  
3       *conveyance to the State of Nevada or such unit of the*  
4       *local government in accordance with the provisions of*  
5       *the Recreation and Public Purposes Act.*

6               (2) *RIGHTS-OF-WAY.*—

7               (A) *ISSUANCE.*—Upon application, by a  
8       *unit of local government or regional govern-*  
9       *mental entity, the Secretary, in accordance with*  
10       *this Act and the Federal Land Policy and Man-*  
11       *agement Act of 1976, and other applicable provi-*  
12       *sions of law, shall issue right-of-way grants on*  
13       *Federal lands in Clark County, Nevada, for all*  
14       *reservoirs, canals, channels, ditches, pipes, pipe-*  
15       *lines, tunnels and other facilities and systems*  
16       *needed for—*

17               (i) *the impoundment, storage, treat-*  
18       *ment, transportation or distribution of*  
19       *water (other than water from the Virgin*  
20       *River) or wastewater; or*

21               (ii) *flood control management.*

22               (B) *DURATION.*—*Right-of-way grants issued*  
23       *under this paragraph shall be valid in perpetu-*  
24       *ity.*

1                   (C) *WAIVER OF FEES.*—*Right-of-way grants*  
2                   *issued under this paragraph shall not require the*  
3                   *payment of rental or cost recovery fees.*

4                   (3) *YOUTH ACTIVITY FACILITIES.*—*Within 30*  
5                   *days after a request by Clark County, Nevada, the*  
6                   *Secretary shall offer to Clark County, Nevada, the*  
7                   *land depicted on the map entitled “Vicinity Map*  
8                   *Parcel 177–28–101–020 dated August 14, 1996, in*  
9                   *accordance with the Recreation and Public Purposes*  
10                  *Act for the construction of youth activity facilities.*

11                  (c) *WITHDRAWAL.*—*Subject to valid existing rights, all*  
12                  *Federal lands identified in subsection (a) for disposal are*  
13                  *withdrawn from location and entry, under the mining laws*  
14                  *and from operation under the mineral leasing and geo-*  
15                  *thermal leasing laws until such time as the Secretary termi-*  
16                  *nates the withdrawal or the lands are patented.*

17                  (d) *SELECTION.*—

18                         (1) *JOINT SELECTION REQUIRED.*—*The Sec-*  
19                         *retary and the unit of local government in whose ju-*  
20                         *risdiction lands referred to in subsection (a) are lo-*  
21                         *cated shall jointly select lands to be offered for sale or*  
22                         *exchange under this section. The Secretary shall co-*  
23                         *ordinate land disposal activities with the unit of local*  
24                         *government in whose jurisdiction such lands are lo-*  
25                         *cated. Land disposal activities of the Secretary shall*

1       *be consistent with local land use planning and zoning*  
2       *requirements and recommendations.*

3               (2) *OFFERING.*—*After land has been selected in*  
4       *accordance with this subsection, the Secretary shall*  
5       *make the first offering of land as soon as practicable*  
6       *after the date of enactment of this Act.*

7       *(e) DISPOSITION OF PROCEEDS.*—

8               (1) *LAND SALES.*—*Of the gross proceeds of sales*  
9       *of land under this subsection in a fiscal year—*

10               (A) *5 percent shall be paid directly to the*  
11       *State of Nevada for use in the general education*  
12       *program of the State;*

13               (B) *10 percent shall be paid directly to the*  
14       *Southern Nevada Water Authority for water*  
15       *treatment and transmission facility infrastruc-*  
16       *ture in Clark County, Nevada; and*

17               (C) *the remainder shall be deposited in a*  
18       *special account in the Treasury of the United*  
19       *States for use pursuant to the provisions of*  
20       *paragraph (3).*

21       *Amounts in the special account shall be available to*  
22       *the Secretary without further appropriation and shall*  
23       *remain available until expended.*

24               (2) *LAND EXCHANGES.*—



1           (A) *PAYMENTS.*—*In the case of a land ex-*  
 2           *change under this section, the non-Federal party*  
 3           *shall provide direct payments to the State of Ne-*  
 4           *vada and the Southern Nevada Water Authority*  
 5           *in accordance with paragraphs (1) (A) and (B).*  
 6           *The payments shall be based on the fair market*  
 7           *value of the Federal lands to be conveyed in the*  
 8           *exchange and shall be considered a cost incurred*  
 9           *by the non-Federal party that shall be com-*  
 10          *pensated by the Secretary if so provided by any*  
 11          *agreement to initiate exchange.*

12          (B) *PENDING EXCHANGES.*—*The provisions*  
 13          *of this Act, except this subsection and subsections*  
 14          *(a) and (b), shall not apply to any land ex-*  
 15          *change for which an initial agreement to initiate*  
 16          *an exchange was signed by an authorized rep-*  
 17          *resentative of the exchange proponent and an au-*  
 18          *thorized officer of the Bureau of Land Manage-*  
 19          *ment prior to February 29, 1996.*

20          (3) *AVAILABILITY OF SPECIAL ACCOUNT.*—

21               (A) *IN GENERAL.*—*Amounts deposited in*  
 22               *the special account may be expended by the Sec-*  
 23               *retary for—*

24                       (i) *the acquisition of environmentally*  
 25                       *sensitive land in the State of Nevada in ac-*

1 cordance with subsection (h), with priority  
2 given to lands located within Clark County;

3 (ii) capital improvements at the Lake  
4 Mead National Recreation Area, the Desert  
5 National Wildlife Refuge, the Red Rock  
6 Canyon National Conservation Area and  
7 other areas administered by the Bureau of  
8 Land Management in Clark County, and  
9 the Spring Mountains National Recreation  
10 Area;

11 (iii) development of a multispecies  
12 habitat conservation plan in Clark County,  
13 Nevada;

14 (iv) development of parks, trails, and  
15 natural areas in Clark County, Nevada,  
16 pursuant to a cooperative agreement with a  
17 unit of local government; and

18 (v) reimbursement of costs incurred by  
19 the local offices of the Bureau of Land Man-  
20 agement in arranging sales or exchanges  
21 under this Act.

22 (B) *PROCEDURES.*—The Secretary shall co-  
23 ordinate the use of the special account with the  
24 Secretary of Agriculture, the State of Nevada,  
25 local governments, and other interested persons,

1           *to ensure accountability and demonstrated re-*  
2           *sults.*

3                   (C) *LIMITATION.*—*Not more than 25 per-*  
4           *cent of the amounts available to the Secretary*  
5           *from the special account in any fiscal year (de-*  
6           *termined without taking into account amounts*  
7           *deposited under subsection (g)(4)) may be used*  
8           *in any fiscal year for the purposes described in*  
9           *subparagraph (A)(ii).*

10           (f) *INVESTMENT OF SPECIAL ACCOUNT.*—*All funds de-*  
11          *posited as principal in the special account shall earn inter-*  
12          *est in the amount determined by the Secretary of the Treas-*  
13          *ury on the basis of the current average market yield on out-*  
14          *standing marketable obligations of the United States of*  
15          *comparable maturities. Such interest shall be added to the*  
16          *principal of the account and expended according to the pro-*  
17          *visions of subsection (e)(3).*

18           (g) *AIRPORT ENVIRONS OVERLAY DISTRICT LAND*  
19          *TRANSFER.*—*Upon request of Clark County, Nevada, the*  
20          *Secretary shall transfer to Clark County, Nevada, without*  
21          *consideration, all right, title, and interest of the United*  
22          *States in and to the lands identified in the Agreement, sub-*  
23          *ject to the following:*

24                   (1) *Valid existing rights.*

1           (2) *Clark County agrees to manage such lands in*  
2           *accordance with the Agreement and with section*  
3           *47504 of title 49, United States Code (relating to air-*  
4           *port noise compatibility planning), and regulations*  
5           *promulgated pursuant to that section.*

6           (3) *Clark County agrees that if any of such*  
7           *lands are sold, leased, or otherwise conveyed or leased*  
8           *by Clark County, such sale, lease, or other conveyance*  
9           *shall contain a limitation which requires uses com-*  
10          *patible with the Agreement and such Airport Noise*  
11          *Compatibility Planning provisions.*

12          (4) *Clark County agrees that if any of such*  
13          *lands are sold, leased, or otherwise conveyed by Clark*  
14          *County, such lands shall be sold, leased, or otherwise*  
15          *conveyed for fair market value. Clark County shall*  
16          *contribute 85 percent of the gross proceeds from the*  
17          *sale, lease, or other conveyance of such lands directly*  
18          *to the special account. If any of such lands sold,*  
19          *leased, or otherwise conveyed by Clark County are*  
20          *identified on the map referenced in section 2(a) of the*  
21          *Act entitled “An Act to provide for the orderly dis-*  
22          *posal of certain Federal lands in Nevada and for the*  
23          *acquisition of certain other lands in the Lake Tahoe*  
24          *Basin, and for other purposes”, approved December*  
25          *23, 1980 (94 Stat. 3381; commonly known as the*

1       *“Santini-Burton Act”), the proceeds contributed to*  
 2       *the special account by Clark County from the sale,*  
 3       *lease, or other conveyance of such lands shall be used*  
 4       *by the Secretary of Agriculture to acquire environ-*  
 5       *mentally sensitive land in the Lake Tahoe Basin pur-*  
 6       *suant to section 3 of the Santini-Burton Act. Clark*  
 7       *County shall contribute 5 percent of the gross proceeds*  
 8       *from the sale, lease, or other conveyance of such lands*  
 9       *directly to the State of Nevada for use in the general*  
 10       *education program of the State, and the remainder*  
 11       *shall be available for use by the Clark County Depart-*  
 12       *ment of Aviation for the benefit of airport develop-*  
 13       *ment and the Noise Compatibility Program.*

14   **SEC. 5. ACQUISITIONS.**

15       *(a) ACQUISITIONS.—*

16               *(1) DEFINITION.—For purposes of this sub-*  
 17       *section, the term “environmentally sensitive land”*  
 18       *means land or an interest in land, the acquisition of*  
 19       *which the United States would, in the judgment of the*  
 20       *Secretary or the Secretary of Agriculture—*

21                       *(A) promote the preservation of natural, sci-*  
 22               *entific, aesthetic, historical, cultural, watershed,*  
 23               *wildlife, and other values contributing to public*  
 24               *enjoyment and biological diversity;*

1                   (B) enhance recreational opportunities and  
2                   public access;

3                   (C) provide the opportunity to achieve bet-  
4                   ter management of public land through consoli-  
5                   dation of Federal ownership; or

6                   (D) otherwise serve the public interest.

7                   (2) *IN GENERAL.*—After the consultation process  
8                   has been completed in accordance with paragraph (3),  
9                   the Secretary may acquire with the proceeds of the  
10                  special account environmentally sensitive land and  
11                  interests in environmentally sensitive land. Lands  
12                  may not be acquired under this section without the  
13                  consent of the owner thereof. Funds made available  
14                  from the special account may be used with any other  
15                  funds made available under any other provision of  
16                  law.

17                  (3) *CONSULTATION.*—Before initiating efforts to  
18                  acquire land under this subsection, the Secretary or  
19                  the Secretary of Agriculture shall consult with the  
20                  State of Nevada and with local government within  
21                  whose jurisdiction the lands are located, including ap-  
22                  propriate planning and regulatory agencies, and with  
23                  other interested persons, concerning the necessity of  
24                  making the acquisition, the potential impacts on  
25                  State and local government, and other appropriate

1        *aspects of the acquisition. Consultation under this*  
2        *paragraph is in addition to any other consultation*  
3        *required by law.*

4        *(b) ADMINISTRATION.—On acceptance of title by the*  
5        *United States, land and interests in land acquired under*  
6        *this subsection that is within the boundaries of a unit of*  
7        *the National Forest System, National Park System, Na-*  
8        *tional Wildlife Refuge System, National Wild and Scenic*  
9        *Rivers System, National Trails System, National Wilder-*  
10       *ness Preservation System, any other system established by*  
11       *Act of Congress, or any national conservation or national*  
12       *recreation area established by Act of Congress—*

13                *(1) shall become part of the unit or area without*  
14        *further action by the Secretary or Secretary of Agri-*  
15        *culture; and*

16                *(2) shall be managed in accordance with all laws*  
17        *and regulations and land use plans applicable to the*  
18        *unit or area.*

19        *(c) DETERMINATION OF FAIR MARKET VALUE.—The*  
20        *fair market value of land or an interest in land to be ac-*  
21        *quired by the Secretary or the Secretary of Agriculture*  
22        *under this subsection shall be determined pursuant to sec-*  
23        *tion 206 of the Federal Land Policy and Management Act*  
24        *of 1976 and shall be consistent with other applicable re-*  
25        *quirements and standards. Fair market value shall be deter-*

1 *mined without regard to the presence of a species listed as*  
 2 *threatened or endangered under the Endangered Species Act*  
 3 *of 1973 (16 U.S.C. 1531 et seq.).*

4 *(d) PAYMENTS IN LIEU OF TAXES.—Section 6901(1)*  
 5 *of title 31, United States Code, is amended as follows:*

6 *(1) By striking “or” at the end of subparagraph*  
 7 *(F).*

8 *(2) By striking the period at the end of subpara-*  
 9 *graph (G) and inserting “; or”.*

10 *(3) By adding at the end the following:*

11 *“(H) acquired by the Secretary of the Inte-*  
 12 *rior or the Secretary of Agriculture under section*  
 13 *5 of the Southern Nevada Public Land Manage-*  
 14 *ment Act of 1997 that is not otherwise described*  
 15 *in subparagraphs (A) through (G).”.*

16 **SEC. 6. REPORT.**

17 *The Secretary, in cooperation with the Secretary of*  
 18 *Agriculture, shall submit to the Committee on Energy and*  
 19 *Natural Resources of the Senate and the Committee on Re-*  
 20 *sources of the House of Representatives an annual report*  
 21 *on all transactions under this section.*

22 **SEC. 7. RECREATION AND PUBLIC PURPOSES ACT.**

23 *(a) TRANSFER OF REVERSIONARY INTEREST.—*

24 *(1) IN GENERAL.—Upon request by a grantee of*  
 25 *lands within Clark County, Nevada, that are subject*



1       to a lease or patent issued under the Recreation and  
2       Public Purposes Act, the Secretary may transfer the  
3       reversionary interest in such lands to other non-Fed-  
4       eral lands. The transfer of the reversionary interest  
5       shall only be made to lands of equal value, except that  
6       with respect to the State of Nevada or a unit of local  
7       government an amount equal to the excess (if any) of  
8       the fair market value of lands received by the unit of  
9       local government over the fair market value of lands  
10      transferred by the unit of local government shall be  
11      paid to the Secretary and shall be treated under sub-  
12      section (e)(1) of this section as proceeds from the sale  
13      of land. For purposes of this subsection, the fair mar-  
14      ket value of lands to be transferred by the State of Ne-  
15      vada or a unit of local government may be based  
16      upon a statement of value prepared by a qualified ap-  
17      praiser.

18               (2) *TERMS AND CONDITIONS APPLICABLE TO*  
19      *LANDS ACQUIRED.*—Land selected under this sub-  
20      section by a grantee described in paragraph (1) shall  
21      be subject to the terms and conditions, uses, and acre-  
22      age limitations of the lease or patent to which the  
23      lands transferred by the grantee were subject, includ-  
24      ing the reverter provisions, under the Recreation and  
25      Public Purposes Act.

1       (b) *AFFORDABLE HOUSING.*—*The Secretary, in con-*  
 2 *sultation with the Secretary of Housing and Urban Devel-*  
 3 *opment, may make available land in the State of Nevada*  
 4 *at less than fair market value and under other such terms*  
 5 *and conditions as he may determine in accordance with*  
 6 *local land use planning and zoning requirements and rec-*  
 7 *ommendations for affordable housing purposes. Such lands*  
 8 *shall be made available only to State or local governmental*  
 9 *entities, including local public housing authorities. For the*  
 10 *purposes of this subsection, housing shall be considered to*  
 11 *be affordable housing if the housing serves low income fami-*  
 12 *lies as defined under the Cranston-Gonzalez National Af-*  
 13 *fordable Housing Act (42 U.S.C. 12701 et seq.).*

14   **SEC. 8. BOUNDARY MODIFICATION OF RED ROCK CANYON**  
 15                   **NATIONAL CONSERVATION AREA.**

16       *Section 3(a)(2) of the Red Rock Canyon National Con-*  
 17 *servation Area Establishment Act of 1990 (16 U.S.C.*  
 18 *460ccc–1(a)(2)) is amended to read as follows:*

19       “(2) *The conservation area shall consist of approxi-*  
 20 *mately 195,780 acres as generally depicted on the map enti-*  
 21 *tled ‘Red Rock Canyon National Conservation Area Admin-*  
 22 *istrative Boundary Modification’, dated August 8, 1996.”.*